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Attorneys for Plaintiff
CAO GROUP, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

CAO GROUP, INC., a Utah corporation, Plaintiff, v. ULTRADENT PRODUCTS, INC, a Utah corporation; and AZENA MEDICAL, LLC, a Delaware Limited Liability Company, Defendants.	COMPLAINT Case No.: 2:16cv00316-EJF Magistrate Judge Evelyn J. Furse JURY DEMAND
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Plaintiff CAO Group, Inc. (“CAO”) hereby complains and alleges against Defendants Ultradent Products, Inc. (“Ultradent”) and Azena Medical, LLC (“Azena”) (collectively, “Defendants”) as follows:

PARTIES

1. Plaintiff CAO is a Utah corporation located at 4628 West Skyhawk Drive, West Jordan, UT 84084.

2. Defendant Ultradent is a Utah corporation with a principal place of business at 505 West 10200 South, South Jordan, UT 84095.

3. Defendant Azena is a Delaware Limited Liability Company with a principal place of business at 21 Massolo Dr., 2nd Floor, Unit C, Pleasant Hill, CA, 94523.

NATURE OF THE ACTION

4. This is an action for patent infringement arising under the Patent Laws of the United States 35 U.S.C. §§ 1 *et seq.*, including 35 U.S.C. § 271.

5. On information and belief, Defendants have directly and/or indirectly, literally and/or through the doctrine of equivalents, infringed and continue to infringe, and/or actively induces other to infringe, CAO's U.S. Patents relating to lasers including U.S. Patent Nos. 8,337,097 (the "'097 Patent") (Exhibit A) and 8,834,457 (the "'457 Patent") (Exhibit B) (collectively, the "Asserted Patents").

JURISDICTION AND VENUE

6. This is a civil action for patent infringement arising under the patent laws of the United States, specifically 35 U.S.C. §§ 271, 281, 283, 284 and 285. This Court has subject matter jurisdiction over the patent infringement claims under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Defendant Ultradent because, on information and belief, Ultradent is a resident of this state and judicial district.

8. This Court has personal jurisdiction over Defendant Azena because, on information and belief, Azena is engaged in regular and substantial business in the State of Utah and the District of Utah. This court also has personal jurisdiction over Defendant Azena under Utah Code Ann. § 78B-3-205(1)-(2) (2011) because, on information and belief, Defendant transacts business in Utah and contracts to supply services or goods in Utah, and under Utah Code Ann. § 78B-3-205(3) because Defendant Azena has caused injury within this state through its infringement.

9. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

FACTUAL BACKGROUND

10. Plaintiff CAO designs, develops, manufactures, and markets various products for use in the dental industry, including but not limited to soft tissue lasers.

11. CAO has sought protection for its technological innovations, which has resulted in numerous issued patents, including the Asserted Patents.

12. The '097 Patent issued on December 25, 2012, and is titled "Modular Surgical Laser Systems." CAO is the owner by assignment of the '097 Patent.

13. The '457 Patent issued on September 16, 2014, and is titled "Modular Surgical Laser Systems." CAO is the owner by assignment of the '457 Patent.

14. Defendants develop, market, and/or manufacture products for the dental industry, including soft tissue lasers.

15. Defendants manufacture and sell the GEMINI™ 810 + 980 Diode Laser dual wave soft tissue diode laser products.

16. Ultradent operates and maintains a website at www.ultradent.com, (hereinafter “Ultradent’s website”) where Defendants’ products, including the GEMINI™ 810 + 980 Diode Laser dual wave soft tissue diode laser products, are marketed and sold to at least U.S. consumers.

17. Instructions regarding how to use the GEMINI™ 810 + 980 Diode Laser dual wave soft tissue diode laser products are provided by Defendants in the products’ packaging and on Ultradent’s website.

18. Defendants have marketed and/or sold the GEMINI™ 810 + 980 Diode Laser dual wave soft tissue diode laser products to distributors and/or end users, and have actively and knowingly induced distributors and/or end users to infringe the Asserted Patents.

19. Defendants know, should know, or are willfully blind to the fact that their products, including at least the GEMINI™ 810 + 980 Diode Laser dual wave soft tissue diode laser products, are infringing products.

20. At least by November 30, 2015, CAO provided actual notice to Ultradent of CAO’s patents relating to lasers including the ’097 and ’457 Patents.

COUNT ONE

(Infringement of The ’097 Patent (Exhibit A) Against Defendant – 35 U.S.C. §§ 271 *et seq.*)

21. Plaintiff realleges and incorporates by reference the above paragraphs of this Complaint, inclusive, as though fully set forth herein.

22. Defendants' accused soft tissue laser products, including at least the GEMINI™ 810 + 980 Diode Laser dual wave soft tissue diode laser products, infringe at claims 1 through 8 of the '097 Patent.

23. On information and belief, at least Ultradent has had actual notice of the '097 Patent and both Defendants have had constructive notice pursuant to 35 U.S.C. § 287.

24. CAO's products have been properly marked with patent information under 35 U.S.C. § 287.

25. Defendants have: (1) infringed and continues to infringe claims 1 through 8 of the '097 Patent by developing, making, using, offering to sell, selling and/or importing, in this District and elsewhere in the United States, at least the GEMINI™ 810 + 980 Diode Laser dual wave soft tissue diode laser products; and/or (2) actively induced others to infringe claims 1 through 8 of the '097 Patent, in this District and elsewhere in the United States.

26. Defendants' actions constitute infringement, either literal or under the doctrine of equivalents, and/or active inducement of infringement, of claims 1 through 8 of the '097 Patent in violation of 35 U.S.C. § 271.

27. CAO has sustained damages and will continue to sustain damages as a result of Defendants' aforesaid acts of infringement.

28. CAO is entitled to recover damages sustained as a result of Defendants' wrongful acts in an amount to be proven at trial.

29. Defendants' infringement of CAO's rights under claims 1 through 8 of the '097 Patent will continue to damage CAO's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

30. Defendants have willfully infringed claims 1 through 8 of the '097 Patent, entitling CAO to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT TWO

(Infringement of The '457 Patent (Exhibit B) Against Defendant – 35 U.S.C. §§ 271 *et seq.*)

31. Plaintiff realleges and incorporates by reference the above paragraphs of this Complaint, inclusive, as though fully set forth herein.

32. On information and belief, at least Ultradent has had actual notice of the '457 Patent and both Defendants have had constructive notice pursuant to 35 U.S.C. § 287.

33. Defendants have: (1) infringed and continues to infringe at least claims 1 through 3 of the '457 Patent by developing, making, using, offering to sell, selling and/or importing, in this District and elsewhere in the United States, at least the GEMINI™ 810 + 980 Diode Laser dual wave soft tissue diode laser products; and/or (2) actively induced others to infringe at least claims 1 through 3 of the '457 Patent, in this District and elsewhere in the United States.

34. Defendants' actions constitute infringement, either literal or under the doctrine of equivalents, and/or active inducement of infringement, of at least claims 1 through 3 of the '457 Patent in violation of 35 U.S.C. § 271.

35. CAO has sustained damages and will continue to sustain damages as a result of Defendants' aforesaid acts of infringement.

36. CAO is entitled to recover damages sustained as a result of Defendants' wrongful acts in an amount to be proven at trial.

37. Defendants' infringement of CAO's rights under at least claims 1 through 3 of the '457 Patent will continue to damage CAO's business, causing irreparable harm, for which there is no adequate remedy at law, unless it is enjoined by this Court.

38. Defendants have willfully infringed at least claims 1 through 3 of the '457 Patent, entitling CAO to increased damages under 35 U.S.C. § 284 and to attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff CAO prays for judgment against Defendants at least under 35 U.S.C. §§ 281 et seq., as follows:

A. That Defendants have infringed and continue to directly and indirectly infringe the Asserted Patents;

B. That Defendants' acts of infringement are willful;

C. For temporary, preliminary and permanent injunctive relief prohibiting Defendants, their agents, servants, and any and all parties acting in concert with Defendants, from directly or indirectly infringing the Asserted Patents

D. That CAO be awarded damages adequate to compensate for Defendants' infringement of the Asserted Patents in an amount to be proven at trial;

E. That this is an exceptional case justifying an award of CAO's costs and attorney fees against Defendants and a trebling of the damage award; 35 U.S.C. § 284

F. That CAO be awarded pre- and post-judgment interest on all damages awarded; and

G. Any further relief that this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury as to all claims and all issues properly triable thereby.

Dated: April 19, 2016

TRASKBRITT, P.C.

By: /s/ H. Dickson Burton

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List of Exhibits:

Exhibit A: U.S. Patent No. 8,337,097

Exhibit B: U.S. Patent No. 8,834,457